

305.00 Eligibility for Unemployment Benefits

An individual must follow the requirements in Mississippi Code Annotated Section 71-5-511 to be eligible for unemployment benefits and to maintain their ongoing eligibility.

305.01 Registering for Work

In order to receive unemployment benefits an individual must be registered for work through the Agency unless they fall within one the following categories of workers:

1. Temporary layoff of less than four (4) weeks;
2. In Agency approved training;
3. Unemployed due to a Labor Dispute; and/or
4. Individuals who have a specific return to work date.

305.02 Work Search

In accordance with Mississippi Code Annotated Section 71-5-11, individuals must make an active search for full-time (35 hours or more) work in order to receive unemployment insurance benefits. The Agency defines “actively seeking work” as follows:

1. The individual must register for employment services as prescribed by MDES.
2. The individual must engage in an active weekly search for full-time work and include an appropriate number of employer contacts as prescribed by MDES and make contact with at least three (3) employers each week. At least one (1) employer contact must include the submission of an application for employment. Additionally, the work applied for must be appropriate in light of the labor market and the individual’s skills and capabilities. An “application for employment” is defined as any completed application or resume submitted to an employer that may reasonable be expected to have an opening for for suitable work, either in-person, via mail, or via electronic communication; or any telephonic or in-person interview with an employer that may reasonably expected to have an opening for suitable work.
3. The individual must maintain and provide a record of his/her work search including the name, address and phone number of the employer contacted, if contacted via electronic means, the website, email address or fax number of the employer, the name of the individual contacted, method of contact, and date of contact.
4. The individual cannot report the same employer contact until three (3) weeks after it was first reported to MDES, unless the employer contact is part of a progressive hiring process.

If an individual fails to comply with any of the above stated requirements, the individual shall be disqualified from receiving unemployment benefits for the week or weeks in which the violation or violations occurred. The agency may impose more stringent penalties in situations in which an individual is shown to be a habitual violator of the requirements contained in this regulation.

Acceptable employer contacts may include, but are not limited to:

- a. Making a self-referral for job openings via the MDES Online Employment Services System.
- b. Visiting a local WIN Job Center for staff-assisted job referrals and making employer contacts based on those referrals.
- c. Completing a job application with employers who may reasonably be expected to have openings for suitable work. The job application may be submitted in person, online, by fax or in any other manner directed by the employer and appropriate for the type of work the individual is seeking.
- d. Mailing a job application and/or resume as instructed by a job notice.
- e. Making in-person visits with employers that may reasonably be expected to have openings for suitable work.
- f. Interviewing with potential employers in person, by telephone or in any other manner directed by the employer and appropriate for the type of work the individual is seeking.
- g. Attending a job fair and submitting an application or providing a resume to employers in attendance.

The work search requirements for certain individuals may be waived by the Agency for the following reasons: job attached (as defined by the Agency), Jury Duty, Approved Training, and Approved Self-Employment Assistance Program, individuals who are members in good standing of a union that maintains a nondiscriminatory hiring hall, as that term is defined by the Landrum-Griffin Act, and who maintain contact with and use the placement services of the hiring hall. The Agency may also waive this requirement due to other extenuating circumstances as determined by the Agency.

305.03 Able and Available

Individuals must be able to work and available for work to be eligible for unemployment benefits with respect to any week. If the Department finds that an individual may not be able to work and available for work due to a medical condition, illness or disability, that individual will be required to provide the Department certification from a physician, medical facility, medical practice, physician assistant, or nurse practitioner that includes the following:

1. Whether the individual was advised to leave work;
2. Whether the individual is released to return to their usual work, and if so, the date of release;
3. If the individual is not released to return to their usual work, an explanation of their restrictions.

After the certification is received, the Department will investigate to determine whether the individual is able to work and available for work. If the Department finds that the individual is not able to work and available for work, an appealable decision outlining the Department's decision will be sent to the individual. If the individual fails to return the medical certificate within time period prescribed by the Department, the Department has the discretion to disallow benefits to the individual for failure to return the requested information.

Source: Miss. Code Ann. §§ 71-5-115 & 71-5-117 (Rev. 2004).

305.00 Eligibility for Unemployment Benefits

An individual must follow the requirements in Mississippi Code Annotated Section 71-5-511 to be eligible for unemployment benefits and to maintain their ongoing eligibility.

305.00 01 Registering for Work

In order to receive unemployment benefits an individual must be registered for work through the Agency unless they fall within one the following categories of workers:

1. Temporary layoff of less than four (4) weeks;
2. In Agency approved training;
3. Unemployed due to a Labor Dispute; and/or
4. Individuals who have a specific return to work date.

~~Source: Miss. Code Ann. §§ 71-5-115 & 71-5-117 (Rev. 2004).~~

305.02 Work Search

In accordance with Mississippi Code Annotated Section 71-5-11, individuals must make an active search for full-time (35 hours or more) work in order to receive unemployment insurance benefits. The Agency defines “actively seeking work” as follows:

1. The individual must register for employment services as prescribed by MDES.
2. The individual must engage in an active weekly search for full-time work and include an appropriate number of employer contacts as prescribed by MDES and make contact with at least three (3) employers each week. At least one (1) employer contact must include the submission of an application for employment. Additionally, the work applied for must be appropriate in light of the labor market and the individual’s skills and capabilities. An “application for employment” is defined as any completed application or resume submitted to an employer that may reasonable be expected to have an opening for for suitable work, either in-person, via mail, or via electronic communication; or any telephonic or in-person interview with an employer that may reasonably expected to have an opening for suitable work.
3. The individual must maintain and provide a record of his/her work search including the name, address and phone number of the employer contacted, if contacted via electronic means, the website, email address or fax number of the employer, the name of the individual contacted, method of contact, and date of contact.
4. The individual cannot report the same employer contact until three (3) weeks after it was first reported to MDES, unless the employer contact is part of a progressive hiring process.

If an individual fails to comply with any of the above stated requirements, the individual shall be disqualified from receiving unemployment benefits for the week or weeks in which the violation

or violations occurred. The agency may impose more stringent penalties in situations in which an individual is shown to be a habitual violator of the requirements contained in this regulation.

Acceptable employer contacts may include, but are not limited to:

- a. Making a self-referral for job openings via the MDES Online Employment Services System.
- b. Visiting a local WIN Job Center for staff-assisted job referrals and making employer contacts based on those referrals.
- c. Completing a job application with employers who may reasonably be expected to have openings for suitable work. The job application may be submitted in person, online, by fax or in any other manner directed by the employer and appropriate for the type of work the individual is seeking.
- d. Mailing a job application and/or resume as instructed by a job notice.
- e. Making in-person visits with employers that may reasonably be expected to have openings for suitable work.
- f. Interviewing with potential employers in person, by telephone or in any other manner directed by the employer and appropriate for the type of work the individual is seeking.
- g. Attending a job fair and submitting an application or providing a resume to employers in attendance.

The work search requirements for certain individuals may be waived by the Agency for the following reasons: job attached (as defined by the Agency), Jury Duty, Approved Training, and Approved Self-Employment Assistance Program, individuals who are members in good standing of a union that maintains a nondiscriminatory hiring hall, as that term is defined by the Landrum-Griffin Act, and who maintain contact with and use the placement services of the hiring hall. The Agency may also waive this requirement due to other extenuating circumstances as determined by the Agency.

305.03 Able and Available

Individuals must be able to work and available for work to be eligible for unemployment benefits with respect to any week. If the Department finds that an individual may not be able to work and available for work due to a medical condition, illness or disability, that individual will be required to provide the Department certification from a physician, medical facility, medical practice, physician assistant or nurse practitioner that includes the following:

1. Whether the individual was advised to leave work;
2. Whether the individual is released to return to their usual work, and if so, the date of release;
3. If the individual is not released to return to their usual work, an explanation of their restrictions.

After the certification is received, the Department will investigate to determine whether the individual is able to work and available for work. If the Department finds that the individual is

not able to work and available for work, an appealable decision outlining the Department's decision will be sent to the individual. If the individual fails to return the medical certificate within time period prescribed by the Department, the Department has the discretion to disallow benefits to the individual for failure to return the requested information.

Source: Miss. Code Ann. §§ 71-5-115 & 71-5-117 (Rev. 2004).